

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Squad #6	CCRB Case #: 201807163	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/29/2018 8:35 PM	Location of Incident: § 87(2)(b) and the 63 Precinct stationhouse	Precinct: 63	18 Mo. SOL 2/29/2020	EO SOL 2/29/2020	
Date/Time CV Reported Wed, 08/29/2018 11:23 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/29/2018 11:23 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Varela	30715	946424	063 PCT
2. POM David Belkin	07708	960225	063 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Javier Colon	20259	959561	063 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Varela	Discourtesy: In front of § 87(2)(b) in Brooklyn, Police Officer Steven Varela spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM David Belkin	Abuse: Inside the 63rd Precinct stationhouse, Police Officer David Belkin did not process § 87(2)(b)'s complaint regarding an officer.	§ 87(2)(b)

## Case Summary

On August 29, 2018, § 87(2)(b) filed this complaint with the CCRB by phone.

On August 29, 2018, at approximately 8:35 p.m., § 87(2)(b) and her friend § 87(2)(b) were at § 87(2)(b) in Brooklyn, where they got into a dispute with their landlord. PO Steven Varela and PO Javier Colon of the 63<sup>rd</sup> Precinct responded to a 911 call of the dispute. PO Steven Varela allegedly told § 87(2)(b) “Go home! Get the fuck out of here. You are not fucking allowed here.” (**Allegation A – Discourtesy:** § 87(2)(g)). At approximately 11:47 p.m., § 87(2)(b) and § 87(2)(b) went to the 63<sup>rd</sup> Precinct stationhouse and spoke with PO David Belkin. § 87(2)(b) attempted to file a complaint against PO Varela. PO Belkin did not process § 87(2)(b)'s complaint (**Allegation B – Abuse of Authority:** § 87(2)(g)). § 87(2)(b) and § 87(2)(b) left the 63<sup>rd</sup> Precinct stationhouse without filing a complaint.

Security camera footage from the 63<sup>rd</sup> Precinct stationhouse and from the vicinity of § 87(2)(b) was obtained by the investigation.

## Findings and Recommendations

### **Allegation (A) Discourtesy: In front of § 87(2)(b) in Brooklyn, Police Officer Steven Varela spoke discourteously to § 87(2)(b)**

The use of discourteous statements by PO Varela remains in dispute.

§ 87(2)(b) and § 87(2)(b) were at § 87(2)(b) the location of their nail salon to move their business out of that location. Their landlord locked the location prior to them finishing their move. § 87(2)(b) called 911 to summon the police. PO Varela and PO Colon responded to the location for that call. § 87(2)(b) and § 87(2)(b) alleged that the officers would not speak to them. After speaking to their landlord, PO Varela and PO Colon exited the building and told § 87(2)(b) who was standing outside, “Go home! Get the fuck out of here. You are not fucking allowed here.” PO Varela and PO Colon then departed in their patrol car.

PO Varela and PO Colon both stated that they did not recall this incident, even after they were given a summary of the incident and were shown photographs of § 87(2)(b) and § 87(2)(b). Both PO Varela and PO Colon denied that PO Varela said, “Get the fuck out of here. You are not fucking allowed here.” Both officers also stated that although they did not recall their interaction with § 87(2)(b) they denied that PO Varela would use such language with any civilian.

Video from a security camera showed that PO Colon and PO Varela arrived at § 87(2)(b) and interacted with § 87(2)(b). There was no audio recorded on video. Due to the darkness of the video as well as the distance of the camera from the police officers, their facial expressions are not visible on video (**Board Review 1**).

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Inside the 63<sup>rd</sup> Precinct stationhouse, Police Officer David Belkin did not process § 87(2)(b)'s complaint regarding an officer.**

It is undisputed that PO Belkin did not process § 87(2)(b)'s complaint against a police officer.

§ 87(2)(b) and § 87(2)(b) arrived at the 63<sup>rd</sup> Precinct stationhouse to file a complaint against PO Varela. PO Belkin was assigned to be the Neighborhood Coordinating Officer. PO Belkin was inside the 63<sup>rd</sup> Precinct stationhouse seated at the help window located in the vestibule of the stationhouse. § 87(2)(b) told PO Belkin that she wanted to file a complaint against a police officer and described her complaint. She asked PO Belkin to provide the names of PO Varela and PO Colon. PO Belkin responded that he did not know their names. § 87(2)(b) stated that she asked PO Belkin to check their names in a computer and PO Belkin responded, "I don't know how to check." § 87(2)(b) supported § 87(2)(b)'s account of events and used her cell phone to make audio recordings of portions of this conversation.

The audio recording of the conversation did not record the entire conversation, but was consistent with § 87(2)(b) and § 87(2)(b)'s account of the incident. At the beginning of the recording, § 87(2)(b) complained to PO Belkin that an officer at § 87(2)(b) told her, "Fucking get out of here." PO Belkin responded, "If you want to make a report, there's a number you can call." § 87(2)(b) then asked PO Belkin to identify the officers involved, but PO Belkin repeatedly stated that he did not have that information. PO Belkin then stated, "If you want to make a complaint. Make a complaint." § 87(2)(b) asked for the number to make a complaint. PO Belkin responded, "It's online. You're going to have to look it up online. I don't know what the number is." He then told her to call 311 to find out. § 87(2)(b) told PO Belkin, "311 told me to come here." § 87(2)(b) stated that she wanted to complain about a police officers "rough language" and that he used the word "fuck." A PAA provided § 87(2)(b) with the phone number of the CCRB and § 87(2)(b) and § 87(2)(b) left (**Board Review 2**).

Video from the 63<sup>rd</sup> Precinct stationhouse showed § 87(2)(b) and § 87(2)(b) enter the stationhouse together and speak to PO Belkin seated at the help window. The video also showed when § 87(2)(b) pulled her cell phone out of her purse and place it on the ledge of the help window in front of § 87(2)(b) and § 87(2)(b) left the stationhouse without filing out a complaint form (**Board Review 3**).

PO Belkin stated that he was inside the stationhouse to process a criminal summons that he was in the process of issuing. PO Belkin did not recall the interaction with § 87(2)(b) and § 87(2)(b) despite being played the audio recording and being shown frames of the stationhouse video of their interaction. PO Belkin identified his voice in the audio recording speaking to § 87(2)(b) and identified himself in the video. PO Belkin stated that to his understanding, a civilian may not file a complaint at a police stationhouse and that they should be provided with the phone number of the CCRB.

According to Patrol Guide Procedure 207-31, complaints against uniformed members of the service may be made at any patrol precinct, police service area, transit district or traffic unit. A police officer who receives a complaint in person is not process the complaint by interviewing the

complainant, give a Civilian Complaint Report, assist in preparing the report and have the complainant sign it. **(Board Review 4)**

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]

#### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party **(Board Review 5)**.
- PO Varela has been a member-of-service for eleven years and has been a subject in four other complaints with eight allegations made against him, none of which were substantiated. § 87(2)(g) [REDACTED]  
[REDACTED]
- PO Belkin has been a member-of-service for three years and has been a subject in two other complaints with two allegations made against him, none of which have been substantiated. § 87(2)(g) [REDACTED]  
[REDACTED]

#### Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- As of February 27, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]  
[REDACTED]

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Squad No.:      6

Investigator:      \_\_\_\_\_      Inv. Simon Wang      \_\_\_\_\_  
   Signature      Print Title & Name      Date

Squad Leader:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
   Signature      Print Title & Name      Date

Reviewer:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
   Signature      Print Title & Name      Date